

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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MAR 14 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Truth-in-Billing )  
And )  
Billing Format )

CC Docket No. 98-170

AMENDED PETITION FOR WAIVER

BellSouth Telecommunications, Inc. ("BellSouth") herewith submits this amendment to its petition for waiver, filed August 20, 1999, in the above-referenced proceeding. The original petition sought an extension of time until June 30, 2000, to implement the Commission's requirement for identification of service charges as "deniable" or "non-deniable" on carrier billing statements.<sup>1</sup> The present filing amends BellSouth's original request by seeking waiver of this requirement until August 20, 2000.

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<sup>1</sup> This mandate, contained in Section 64.2001(c), is as follows:

(c) *"Deniable" and "Non-Deniable" Charges.* Where a bill contains charges for basic local service, in addition to other charges, the bill must distinguish between charges for which non-payment will result in disconnection of basic, local service, and charges for which non-payment will not result in such disconnection. The carrier must explain this distinction to the customer, and must clearly and conspicuously identify on the bill those charges for which non-payment will not result in disconnection of basic, local service. Carriers may also elect to devise other methods of informing consumers on the bill that they may contest charges prior to payment.

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## DISCUSSION

On May 11, 1999, the Commission released the Truth-in-Billing Order, which prescribed certain modifications to the content and format of telecommunications bills.<sup>2</sup> Among these is the requirement for identification of service charges as "deniable" or "non-deniable." On August 20, 1999, BellSouth filed a petition for waiver, seeking an extension of time until June 30, 2000, to implement this billing modification. To date, the Commission has not ruled upon BellSouth's original petition, a copy of which is appended hereto as Exhibit 1 and incorporated by reference in this filing.

While awaiting decision upon its original petition, BellSouth initiated discussions in those state jurisdictions which currently require some billing differentiation of "deniable" and "non-deniable" charges.<sup>3</sup> The purpose of these discussions was to obtain consensus on a single method for presenting this information (similar to the current format in Florida) which would meet state regulatory objectives as well as satisfy the mandate of the Truth-in-Billing Order. These negotiations have consumed more time than originally anticipated with corresponding delay in the implementation schedule for this requirement. In order to avoid further delays, BellSouth has opted to move forward with the preferred format in those five states which currently have no requirement to identify "deniable" and "non-deniable" charges. BellSouth is continuing to urge adoption of the preferred format in Georgia, Kentucky and North Carolina. Accordingly, BellSouth through this amended petition for waiver seeks an extension of time until

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<sup>2</sup> In the Matter of Truth-in Billing and Billing Format, CC Docket No. 98-170, FCC 99-72, *First Report and Order and Further Notice of Proposed Rulemaking*, released May 11, 1999.

<sup>3</sup> Within BellSouth's nine-state region, Florida, Georgia, Kentucky and North Carolina have adopted such a requirement.

August 20, 2000, to accomplish those billing system modifications necessary for rule compliance.

Region-wide uniformity in the presentation of "deniable"/"non-deniable" billing information serves the interests of customers and of BellSouth. End user customers who maintain telephone service in more than one state or relocate to another state will benefit from a consistent presentation of this data. Any potential for confusion or misunderstanding as to its import will be greatly reduced. Likewise, service providers for whom BellSouth performs third-party billing (and BellSouth itself) will benefit from a uniform implementation of this requirement, both through enhanced public understanding of providers' billing statements and through the avoidance of administrative costs which diverse jurisdictional requirements would otherwise impose. These considerations substantially outweigh any inconvenience occasioned by the brief extension of time requested and amply demonstrate that a grant of BellSouth's amended petition for waiver meets the good cause standard enunciated in Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3.


CONCLUSION

Good cause having been shown, BellSouth asks that the Commission grant it an extension of time until August 20, 2000, to implement the requirements of Section 64.2001(c) adopted by the Truth-in-Billing Order.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By:

  
M. Robert Sutherland  
Richard M. Sbaratta  
Helen A. Shockey

Its Attorneys

Suite 1700  
1155 Peachtree Street, N.E.  
Atlanta, Georgia 30309-3610  
(404) 249-3390

March 14, 2000

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

PETITION FOR WAIVER

BellSouth Telecommunications, Inc. ("BellSouth") hereby requests a waiver of certain requirements adopted in the above-referenced proceeding in accordance with Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3. Specifically, BellSouth requests an extension of time to implement the provisions of Section 64.2001(c), which require the identification of service charges on carrier billing statements as "deniable" or "non-deniable."<sup>1</sup> As explained below, BellSouth does not have sufficient resources available to accomplish this mandate on or before the projected rule effective date of September 6, 1999.<sup>2</sup>

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<sup>1</sup> The text of the rule is as follows:

(c) *"Deniable" and "Non-Deniable" Charges.* Where a bill contains charges for basic local service, in addition to other charges, the bill must distinguish between charges for which non-payment will result in disconnection of basic, local service, and charges for which non-payment will not result in such disconnection. The carrier must explain this distinction to the customer, and must clearly and conspicuously identify on the bill those charges for which non-payment will not result in disconnection of basic, local service. Carriers may also elect to devise other methods of informing consumers on the bill that they may contest charges prior to payment.

<sup>2</sup> For the second time, the Commission has sought Office of Management and Budget ("OMB") approval of the proposed information collection requirement. Included with the recent submission was a request that OMB complete its review in sufficient time to permit an implementation date of September 6, 1999. Letter from Judy Boley, Performance Evaluation and Records Management, FCC, to Donald Arbuckle, Office of Information and Regulatory Affairs, OMB (July 23, 1999).

## DISCUSSION

The Truth-in-Billing Order, released May 11, 1999,<sup>3</sup> introduces several new requirements for the content and formatting of telecommunications service bills. These requirements are of vital interest to BellSouth, both as a service provider billing on its own behalf and as an agent rendering bills for the telecommunications and information services of other parties. Among these requirements is the mandate that carriers identify on the end user bill those services which are “deniable” (*i.e.*, for which failure to pay applicable charges may result in the interruption of basic, local exchange service) and those services which are “non-deniable.” The Commission seeks to make all rule modifications adopted by the Truth-in-Billing Order effective as of September 6, 1999.

Currently, four states require BellSouth to identify “deniable” and “non-deniable” charges on billing statements.<sup>4</sup> To implement this formatting requirement in the remaining five BellSouth states will necessitate substantial software modifications.

At the same time the Commission seeks to impose this new requirement, BellSouth’s information technology (IT) personnel are already overtaxed by efforts to finalize Y2K preparations and to address a significant backlog of other programming requests, which has accumulated as a result of the massive deployment of resources to Y2K work. Many of these initiatives are driven by regulatory requirements (*e.g.*, state public service commission mandates, competitive local exchange carrier (“CLEC”) service ordering, and conversion of non-primary line to primary line when primary line has been disconnected). In addition, some programming requests are the product of internal BellSouth efforts to eliminate--insofar as possible--cramming

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<sup>3</sup> In the Matter of Truth-in-Billing and Billing Format, CC Docket No. 98-170, FCC 99-72, *First Report and Order and Further Notice of Proposed Rulemaking*, released May 11, 1999 (hereinafter “Truth-in-Billing Order”).

<sup>4</sup> These states are FL, GA, KY and NC.

abuse, *e.g.*, table driven text codes to help ensure clarity of services being billed and to allow mechanized rejection of unapproved service descriptions and implementation of a mechanized code to allow immediate adjustment to end users' bills for charges that end users claim were "crammed." Finally, all of these projects, which are now underway, must be completed before November 1, 1999, when a moratorium is imposed until March 15, 2000, on further programming changes, the introduction of which could compromise the Y2K corrective measures that BellSouth has taken. Implementing deniable/non-deniable service identification constitutes a significant change that could inadvertently make software Y2K non-compliant.

In light of these considerations, BellSouth requests an extension of time until June 30, 2000, to implement deniable/non-deniable service identification throughout its nine-state region. Grant of this relatively modest relief will enable BellSouth to make an orderly introduction of this new billing parameter without jeopardizing equally important programming changes already underway or the Y2K compliant status of BellSouth systems.

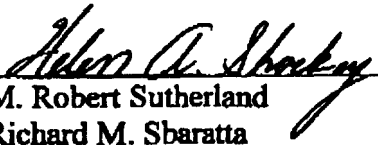
CONCLUSION

Good cause having been shown, BellSouth asks that the Commission grant it an extension of time until June 30, 2000, to implement the requirements of Section 64.2001(c) adopted by the Truth-in-Billing Order.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By:

  
M. Robert Sutherland  
Richard M. Sbaratta  
Helen A. Shockey

Its Attorneys

Suite 1700  
1155 Peachtree Street, N.E.  
Atlanta, Georgia 30309-3610  
(404) 249-3390

August 20, 1999



**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 20<sup>th</sup> day August 1999 served the following parties to this action with a copy of the foregoing PETITION FOR WAIVER by hand delivery or by placing a true and correct copy of the same in the United States mail, postage prepaid, addressed to the parties listed below.

\*Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals, 445 Twelfth Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

\*International Transcription Services, Inc.  
1231 20<sup>th</sup> Street, N. W.  
Washington, D.C. 20036

  
\_\_\_\_\_  
Juanita H. Lee


**\* VIA HAND DELIVERY**

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 14<sup>th</sup> day of March 2000 served the following parties to this action with a copy of the foregoing Amended Petition for Waiver by hand delivery or by placing a true and correct copy of the same by U.S. mail, addressed to the parties listed below.

Magalie Roman Salas\*  
Secretary  
Federal Communications Commission  
The Portals, 445 Twelfth Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

ITS, Inc.\*  
Room 246  
1919 M Street  
Washington, D.C. 20554

  
\_\_\_\_\_  
Karen S. Bullock